

PORT & RESOURCE RECOVERY DEPARTMENT



2561 SOUTH BROADWAY
GREEN BAY, WI 54304

PHONE: (920) 492-4950 FAX: (920) 492-4957

DEAN R. HAEN

DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, February 9th, 2015**
Brown County Resource Recovery Facility, 2561 S Broadway, Green Bay, WI

- 1) The meeting was officially called to order by Commissioner Craig Dickman at 11:31 am.
- 2) Roll Call:

Present: President Craig Dickman
Commissioner Bernie Erickson
Commissioner Bryan Hyska
Commissioner Hank Wallace
Commissioner John Hanitz
Commissioner Mike Vizer
Commissioner Tim Feldhausen
Commissioner Ron Antonneau

Also Present: Dean Haen, Brown County P&RR
Mark Walter, Brown County P&RR

Not Excused: Commissioner Bernie Erickson

3) Approval/Modification – Meeting Agenda

A motion to approve the agenda was made by Ron Antonneau and seconded by Mike Vizer. Unanimously approved.

4) Approval/Modification – January 12, 2015 Meeting Minutes

A motion to approve the minutes of January 12, 2015 was made by Ron Antonneau and seconded by John Hanitz. Unanimously approved.

5) Announcements/Communications

Commissioner Vizer expressed a desire to develop a project to place a piece of art on the far Cat Island as soon as possible to enhance the port and give people an area attraction. Mr. Haen thought the idea would be a great idea to give those visiting the port of Green Bay a piece of art that would welcome them into and for visiting the port. Commissioner Antonneau expressed concern that the art piece would need to be approved by the Cat Island Committee, and that the

project should be part of a larger plan involving Cat Island signage informing people of the island rules. Mr. Haen stated that the Cat Island Advisory Committee (CIAC) was working on the public access rules for the island. Mr. Haen also mentioned that a variety of other agencies would be involved in making rules for the island.

Commissioner Hyska communicated that he had done work on the financial analysis of outstanding cash balances, mostly trending, pertaining to the leases coming off in the future. He emphasized that he was still working with Mr. Haen and Sherri McAlister and would be reporting more at the next meeting.

6) Fox River Environmental Clean-Up Project – Public Comments/ Update on Standing Item

Mr. Haen stated that at the meeting in January, he had become aware of additional caps that the project would put in the harbor area and had also had several meetings regarding the caps with terminal operators and the project team. Mr. Haen called attention to the letter reaffirming the statement made in 2009 opposing capping in the Green Bay Area Harbor portion of the river, and also urging terminal operators to write letters to the regulators and coordinators in order to gain approval for the stance. Mr. Haen mentioned that 100% of the businesses he had surveyed did not support caps in front of their property. The City of Green Bay did not have a stance.

A motion was made to suspend the rules in order to take public comments by Hank Wallace and seconded by Ron Antonneau. Unanimously Approved.

An attending citizen, Mr. James Breakbite, voiced his disapproval of capping, and his approval of dredging, stating that capping would negatively affect his property.

A motion was made to return to regular order of business by Mike Vizer and seconded by Tim Feldhausen. Unanimously Approved.

Commissioner Antonneau was concerned that the City of Green Bay did not take a position regarding capping of the river. He stated he was shocked that the city would not support their businesses and community who, for the most part, oppose capping.

7) 2014 Annual Report – Request for Approval

Mr. Dean Haen presented the 2014 Annual Report of the Port of Green Bay. The report included 2014 accomplishments and 2015 goals. The accomplishments included coordination with the PCB cleanup project, which is still in progress; and the Cat Island Project which is fully constructed, with some signage and project partnership amendments still in-progress. The project has a December 31, 2015 date to close out the Harbor Assistance Grant. Renard Island was capped and the causeway was modified and improved. The reef installation and fish sticks were also completed, but the easement is still being worked upon. The beneficial reuse project that was being worked on by a UWGB student as his master's thesis will most likely not be completed as part of his thesis work. Mr. Haen mentioned that Noble Petro had received a Harbor Assistance Grant, but after their purchase by US Venture it was unsure if they were interested in the grant. Mr. Haen noted that the 2015 goals that could still be modified, the first of which was the adoption of a new five year strategic plan. Mr. Haen mentioned that the PCB cleanup project would involve critical coordination between the navigating vessels and project. He also stated that he would like to close out the Cat Island Project in 2015. Another 2015 goal is to study importing

liquid fertilizer either using the old Noble Petro facility or another facility. Mr. Haen stated Renard Island would need to be closed out with the DNR and have the ownership transferred to Brown County. He expressed concern with the project dredging the I-43 area of the West Shore Pipeline so that US Venture can fully utilize vessel capacity travelling through the area, and stated that it would be complicated, as no one wishes to take over the responsibility.

Commissioner Antonneau mentioned that since the study concerning beneficial reuse would not be completed by the UWGB student, any notes concerning the study should be used by the Harbor Commission to finish the study where the student had left off. Mr. Haen agreed with this idea, stating that it was a priority to have beneficial reuse as a solution and the outcomes of the thesis were likely to advocate for changing regulations governing dredged material as solid waste. Mr. Haen mentioned the Cat Island project, and its emphasis on the beneficial reuse of dredged material. Commissioner Antonneau then mentioned that in the past the DOT did not want to use I-43 dredging material for beneficial reuse, but asked if there was a market for the material, stating that it would be nice to diversify the Port's income. Mr. Haen then mentioned that using the Cat Island sand would need to be approved by the CIAC, and that beneficial reuse should be a priority goal for the 2015 year.

A motion was made to approve the 2014 Annual Report by Hank Wallace, and seconded by Ron Antonneau. Unanimously Approved.

8) Green Bay Marathon Security Deposit for Demurrage Charges – Request for Approval

Mr. Haen mentioned that the Green Bay Marathon representatives did not attend this meeting; however, their position has usually remained the same over the years. Mr. Haen stated that the Port should not have to worry about slowing down or speeding up ships from their current speed due to the Green Bay Marathon. However, the Marathon should have to compensate the ships for demurrage incurred. Last year the retained demurrage check amount was increased to \$7500. The demurrage checks have never been used in the past, if it is not used again this year it will be returned to the Marathon.

A motion was made to approve the security deposit for demurrage charges. Motion made by Ron Antonneau and seconded by John Hanitz. Unanimously approved.

9) WDOT Harbor Assistance Program Statement of Intentions – Request for Approval

Mr. Haen stated that a position had to be taken regarding any possible project to be undertaken in the next three years. These are not an obligation, but serve the WDOT as a planning document to assess the need for the Harbor Assistance Program. Mr. Haen presented proposed Statement of Intentions. This enables application for a HAP grant in August. Mr. Haen explained that the Governor's budget for the Harbor Assistance program was the same as last year, which is \$12.5 million. Mr. Haen then mentioned that Brown County had received close to \$17 million from this program over the years and that many different projects such as the Cat Island project had been financed with the program.

A motion was made to approve the Harbor Assistance Program Statement of Intentions. Motion made by Ron Antonneau and seconded by Tim Feldhausen. Unanimously approved.

10) Great Lakes Investment Study - Update

Mr. Haen mentioned the Great Lakes Investment Study is the third study analyzing the Great Lakes, and stated that there are over 100 ports on the Great Lakes and many different businesses that use these ports. Over 600 businesses were contacted for a survey, and over \$7 billion dollars' worth of investment were identified, with over \$100 million of those dollars in Wisconsin. The vessel companies invested \$4 billion dollars, the ports invested \$1.7 billion dollars, and the government invested \$1.2 billion dollars, adding up to the aforementioned \$7 billion dollar investment. This study is used to help when speaking to legislators, media and local, state and federal governments.

Mr. Haen noted that the Investment Study had not been picked up by the local media, and the Commission was concerned with the fact that the local populace and legislators had not been made aware of the study. Mr. Haen agreed that the local media should be aware of the study, and will be making efforts to distribute this information to the public.

11) Renard Island - Update

Mr. Haen made the Commission aware that he had hired outside counsel Michael, Best and Fredrick, LLC for an analysis of the strengths of a WDNR Chapter 30 permit versus a lakebed grant in response to the recent requirement by the US Army Corps of Engineers (USACE). The opinion stated that both are revocable, and that neither is stronger than the other. Mr. Haen has contacted the Corps and forwarded the opinion, but they have not yet responded. Mr. Haen noted that the Brown County Corporation Counsel agreed with the opinion.

Mr. Haen informed the Commission the rock reef and the fish cribs were constructed last week and will be completed later today. The type of wood being used in the fish sticks was then discussed, and Mr. Haen explained that the fish sticks are one time placements of cottonwood trees. Mark Walter explained that the trees had been recently cut for use in the fish sticks and they were green as part of the obligation to the permit, and they were individually cabled together.

Commissioner Dickman then stated that there were three things that the Commission needed to accomplish regarding Renard Island; Number one, successful completion of the Chapter 30 permit conditions. These were successfully completed. Secondly, the Chapter 30 permit has been determined to be as sufficient as a Wisconsin Legislative Lakebed Grant. Finally, the city of Green Bay needed to convert the temporary easement into a permanent easement. Mr. Haen stated that there were some early signs and written communication that the easement would be granted. Most recently the actual language was approved by the Mayor in which the County agreed that the island would be only used for recreational purposes consistent with Bay Beach amusement park area. However, the city has recently concluded that it will not grant Brown County the permanent easement and thus the Harbor Commission no longer believes that the easement is going to be granted. The City position is disturbing to the Harbor Commission because they have no reason to oppose it, and their position is really holding Brown County back from going forward with the Renard Island project that is in the best interest of the City and the greater community.

Mr. Dickman then stated that he talked to a representative of the Friends of Bay Beach, who has a meeting with the mayor coming up, and he wanted Friends of Bay Beach to know that the causeway is in jeopardy because the Mayor will not grant an easement. Commissioner Feldhausen then asked what the rationale was that was given by City Hall for not granting the easement. Commissioner Dickman responded that the City would only be interested in granting the easement if they had control over the

Renard Island operations, and only if any of Brown County's desired wishes concerning the island were approved by the City. Mr. Haen then brought up the point that legally the City cannot unreasonably deny access to County property and a letter should be written to the City informing them of the legal opinion. Almost six months have gone by and the Corps has been under the impression that an easement is forthcoming. Mr. Haen believes that the Commission should communicate to the Corps that the easement is unlikely to be signed, so that they are aware of the situation. The Commission discussed the possibility of making the discussion about the easement more public, and then get more support for the approval of the easement. This would make the easement more likely to get approved, because the Mayor would have the public opinion to worry about. The Commission then discussed the fact that the City has up until recently expressed, in writing, a desire to approve the permanent easement, and the fact that they are now going against their original position, and the Commission should let the City know of their initial commitment. A meeting was then scheduled for Monday, February 16, 2015, in order to discuss the permanent easement approval process. Realizing a permanent easement was unlikely, the Commission requested staff to draft a resolution rescinding the ownership transfer resolution passed earlier in 2014.

12) Director's Report - Update

Mr. Haen then mentioned the pursuit of an opportunity for Cat Island sand to be beneficially used in the large highway project. Approvals are being pursued and hoped that the project would be successful. Mr. Haen then mentioned the 2014 public relations outreach report that helped improve communication between the department and the public. Also, a letter of support was forwarded for the amendment to the Project Partnership Agreement (PPA) for Cat Island that needed to be done to include the offloading structure and signage. This will finalize the project costs and establish the cost share necessary to close out the project. Once the letter goes to Corps headquarters and is approved, it will then come back down for execution. Mr. Haen noted that Polaris Industries was looking to do a boundary modification, which could mean more activity for them, and would mean more benefit for the Port as the administrator of the Foreign Trade Zone.

13) Audit of Bills – Request for Approval

A motion to approve the Bills was made by Ron Antonneau and seconded by Bryan Hyska.
Unanimously approved.

14) Such Other Matters as Authorized by Law

No other matters as authorized by Law.

15) Adjourn

A motion to adjourn was made by Ron Antonneau and seconded by Mike Vizer.
Unanimously approved. Meeting adjourned at 12:40 pm.

Craig Dickman, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department